

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REGINO REYES,

Petitioner,

v.

9:01-CV-1472

JOSEPH COSTELLO, Superintendent of
Mid-State Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

REGINO REYES, Pro Se

FOR THE DEFENDANT:

HON. ELIOT SPITZER
Attorney General of the
State of New York
615 Erie Blvd. W., Suite 102
Syracuse, NY 13204-2455

MARIA MORAN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 19th day of September, 2005. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

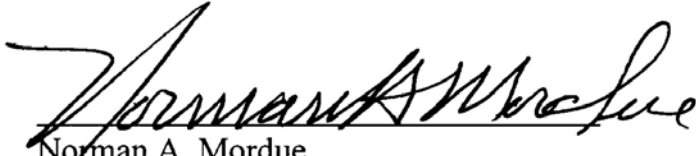
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The Petition in this matter is denied and dismissed in all respects.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 11, 2005
Syracuse, New York


Norman A. Mordue
U.S. District Judge